

205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 25.07.2023

1. CRM-M No.7356 of 2022 (O&M)

Harbhajan Singh Petitioner
V/s.

State of Punjab and Another Respondents

2. CRM-M No.7360 of 2022 (O&M)

Parminder Singh Petitioner
V/s.

State of Punjab and Another Respondents

CORAM: **HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Raj Kaushik, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. J.S. Bhinder, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with the consent of learned counsel for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for grant of anticipatory bail. Both the petitions have been filed under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in case FIR No.54 dated 08.04.2021 and DDR No.29 dated 25.10.2021 under Section 420 IPC and 13 Punjab Travel Professional Regulation Act, 2014, registered at Police Station Bhawanigarh, District Sangrur.

2. It is submitted by learned counsel for the petitioners that the subject matter of the FIR was pertaining to allegedly taking of Rs.11.00 lacs by the petitioners from the complainant for making an international driving licence. He submitted that the petitioners were falsely implicated and even otherwise also it is purely a civil dispute. He has further submitted that now in pursuance of the order dated 22.02.2022 passed by this Court in both the petitions they have already joined investigation and are fully cooperating in the investigation process and therefore the aforesaid order may be made absolute.

3. Mr. Sarabjit Singh Cheema, DAG, Punjab on instructions from ASI-Jagar Singh, has stated that the petitioners have joined investigation and they are not required for custodial interrogation and also they are fully cooperating in the investigation.

4. However, Mr. J.S. Bhinder, Advocate appearing on behalf of the complainant has submitted that even if the petitioners have joined the investigation but recovery of Rs.11.00 lacs has not been effected from the petitioners, therefore, they are not entitled for the grant of anticipatory bail.

5. I have heard learned counsel for the parties.

6. The allegations in the FIR are pertaining to taking of Rs.11.00 lacs from the complainant which has not been returned whereas as per learned State counsel, the petitioners have joined the investigation and their custodial interrogation is not required.

7. The objections raised by learned counsel for the complainant that for the purpose of recovery the interim anticipatory bail be not confirmed, deserves to be rejected in view of the fact that it is a settled law that police is not supposed to be recovery agents and the present petitions are for grant of anticipatory bail where

the petitioners have already joined investigation and they are not required for custodial interrogation as per learned State counsel.

9. Consequently, both the petitions are allowed and the order dated 22.02.2022 is hereby made absolute.

25th July, 2023

Sonia Puri

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(JASGUPREET SINGH PURI)
JUDGE